

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 Tarah Harris,

5 Plaintiff,

6 v.

7 Commissioner of Social Security Martin O'
8 Malley,

9 Defendant.

Case No. 2:24-cv-00129-BNW

ORDER

10
11 *Pro se* plaintiff Tarah Harris seeks judicial review of an administrative decision denying
12 her application for Social Security benefits. Harris has submitted the declaration required by 28
13 U.S.C. § 1915(a) showing an inability to prepay fees and costs or give security for them. ECF
14 No. 1. Accordingly, Plaintiff's request to proceed *in forma pauperis* will be granted.

15 If appears Plaintiff requests a remand of this case on the basis of new evidence. As a
16 result, Plaintiff must file a motion to remand based on new evidence within thirty days of the
17 filing of this Order. The new evidence must be attached to the motion. A copy of the motion and
18 evidence must be served on:

19 United States Attorney
501 Las Vegas Boulevard South, Suite 1100
20 Las Vegas, NV 89101

21 3. If Plaintiff files a motion for remand on the basis of new evidence, then Defendant
22 may file either (i) a notice of voluntary remand of the case, or (ii) points and authorities in
23 opposition to Plaintiff's motion. Defendant's notice of voluntary remand or opposition must be
24 filed within thirty days of service of the motion. If Defendant files points and authorities in
25 opposition, Plaintiff has twenty days from the date of service of such points and authorities to file
26 a reply.

27 4. Under 42 U.S.C. § 405(g), remand for reconsideration of new evidence will not be
28 granted unless the evidence is new and material and there is a showing of good cause for failure

1 to incorporate the evidence into the record at an earlier stage. Therefore, if Plaintiff seeks remand
2 for consideration of new evidence, the motion must include a statement of reasons why the new
3 evidence was not incorporated into the record at an earlier stage.

4 5. If Plaintiff does not file a motion for remand on the basis of new medical evidence,
5 the Plaintiff must, within thirty days of the filing of this Order, file a motion for reversal and/or
6 remand.

7 6. If Plaintiff files a motion for reversal and/or remand, Plaintiff's motion must
8 include:

9 a. A specification of each and every condition or ailment, or combination of
10 the two, that allegedly renders Plaintiff disabled and is supported by evidence contained in the
11 administrative record.

12 b. A complete summary of all medical evidence in the record that supports
13 Plaintiff's claim of disability due to each condition or ailment with precise references to the
14 applicable portions of the record. The summary must not include medical evidence unrelated to
15 the conditions or ailments on which Plaintiff's claim or claims of disability are based.

16 c. A complete summary of all other evidence adduced at the administrative
17 hearing that supports Plaintiff's claim with precise references to the applicable portions of the
18 record.

19 d. A complete but concise statement as to why the record does not contain
20 substantial evidence to support the Administrative Law Judge's decision.

21 7. If Defendant has not filed a notice of voluntary remand, within thirty days after
22 being served with Plaintiff's motion for reversal and/or remand, Defendant must file a cross-
23 motion to affirm, which will be considered an opposition to Plaintiff's motion. This motion must
24 include:

25 a. A complete summary of all evidence in the record that Defendant contends
26 constitutes substantial evidence to support the administrative determination that Plaintiff is not
27 entitled to the benefits in question.

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